FILED 1 Ford Greene California State Bar No. 107601 2 HUB LAW OFFICES JUN 0 3 1994 711 Sir Francis Drake Boulevard San Anselmo, California 94960-1949 3 HOWARD HANSON Telephone: (415) 258-0360 MARIN COUNTY CLERK Telecopier: (415) 456-5318 4 BY: E. Keswick, Deputy 5 Attorney for Defendant RECEIVED GERALD ARMSTRONG 6 JUN 03 1994 7 **HUB LAW OFFICES** 8 SUPERIOR COURT OF THE STATE OF CALIFORNIA 9 FOR THE COUNTY OF MARIN 10 11 CHURCH OF SCIENTOLOGY INTERNATIONAL,) No. 157 680 a California not-for-profit 12 religious corporation, DECLARATIONS RE Plaintiff, 13 GERALD ARMSTRONG'S OPPOSITION TO DEMURRER 14 TO SECOND AMENDED VS. CROSS-COMPLAINT GERALD ARMSTRONG; MICHAEL WALTON; 15 THE GERALD ARMSTRONG CORPORATION. 16 a California for-profit corporation; DOES 1 through 100, 17 inclusive, Date: June 10, 1994 18 Defendants. Time: 9:00 a.m. Dept: One Trial Date: 9/29/94 19 20 21 22 23 24 25 26 27 28

HUB LAW OFFICES Ford Greene, Esquire 711 Sir Francis Drake Blvd. San Anselmo, CA 94960 (415) 258-0360

2Page 1.

I, Gerald Armstrong, declare:
 I am a defendant in the case of <u>Church of Scientology</u>

International v. Gerald Armstrong, Michael Walton and The Gerald Armstrong Corporation, Marin Superior Court case no. 157680.

2. Upon reading Scientology's memorandum in support of its demurrer to my second amended cross-complaint in this case, received in attorney Ford Greene's office on May 23, 1994, I learned for the first time that a lis pendens relating to the home of co-defendant Michael Walton and Solina Walton had been filed in this case by plaintiff Scientology organization after the expungement of an earlier lis pendens had been ordered by the Court. I then obtained a copy of the second lis pendens, filed November 29, 1993, from the Court's file. Although I am shown on the proof of service of said document as having been served with two copies of said document on November, 29, 1993, at 715 Sir Francis Drake Boulevard, San Anselmo, California, I was not so served. I had never seen this document until I obtained it from the Court file and had not known that it existed until I received Scientology's opposition.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at San Anselmo, California, on June 3, 1994.

GERALD ARMSTRONG

DECLARATION OF MICHAEL WALTON

I, Michael Walton, declare:

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- 1. I am a defendant in the case of <u>Church of Scientology</u>

 International v. <u>Gerald Armstrong</u>, <u>Michael Walton and The Gerald</u>

 <u>Armstrong Corporation</u>, <u>Marin Superior Court case no. 157680</u>.
- 2. I have received today by facsimile a copy of a lis pendens filed in this case by plaintiff Scientology organization on November 29, 1993. Although I am shown on the proof of service of said document as having been served with said document on November, 29, 1993, I was not so served, nor have I ever seen, nor known of the existence of said document until today.

I declare under the penalty of parjury under the laws of the State of California that the foregoing is true and correct.

Executed at Bend, Oregon on June 2, 1994.

MICHAEL WALTON

DECLARATION OF FORD GREENE

FORD GREENE declares:

- I am an attorney licensed to practice law in the Courts
 of the State of California and am the attorney of record for
 GERALD ARMSTRONG, cross-complainant herein.
- 2. I have reviewed the document entitled Lis Pendens filed herein on November 29, 1993 and the proof of service attached thereto.
- 3. I never received service of said documents in the mail at or around the time stated on the proof of service or at any other time.

Under penalty of perjury pursuant to the laws of the State of California I hereby declare that the foregoing is true and correct according to my first-hand knowledge, except those matters stated to be on information and belief, and as to those matters, I believe them to be true.

Executed on June 3, 1994, at San Anselmo, California

FORD GREENE

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PROOF OF SERVICE

I am employed in the County of Marin, State of California. I am over the age of eighteen years and am not a party to the above entitled action. My business address is 711 Sir Francis Drake Boulevard, San Anselmo, California. I served the following documents:

DECLARATIONS RE ARMSTRONG'S OPPOSITION TO DEMURRER

TO SECOND AMENDED CROSS-COMPLAINT

on the following person(s) on the date set forth below, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California:

Andrew Wilson, Esquire WILSON, RYAN & CAMPILONGO 235 Montgomery Street, Suite 450 San Francisco, California 94104

LAURIE J. BARTILSON, ESQ.

Bowles & Moxon
6255 Sunset Boulevard
Suite 2000
Angeles California 90028

Los Angeles, California 90028 (By Telecopier)

P.O. Box 751 San Anselmo, California 94960

MICHAEL WALTON

(By Mail)

I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

DATED: June 3, 1994

(State)



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